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06 UNITED STATES DISTRICT COURT
07 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

08 LEONEL MARIN TORRES,) CASE NO. C08-0407-JCC
09 Plaintiff,)
10 v.) REPORT AND RECOMMENDATION
11 DR. RONALD FLECK, et al.)
12 Defendants.)
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14 Plaintiff is currently incarcerated in the King County Jail (“Jail”) in Seattle, Washington.¹
15 He is proceeding *pro se* and *in forma pauperis* in this action pursuant to 42 U.S.C. § 1983. On
16 March 10, 2008, plaintiff submitted a complaint written entirely in Spanish, accompanied by a
17 motion for appointment of counsel also written in Spanish. (Dkt. No. 1). On April 21, 2008, the
18 Court granted plaintiff leave to amend his complaint, informing plaintiff that the Court is unable
19 to translate pleadings that are not written in English. (Dkt. No. 13). The Court gave plaintiff until
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21 ¹ On March 4, 2008, the Honorable Ricardo S. Martinez granted petitioner’s petition for
22 a writ of habeas corpus, and directed the State of Washington to release petitioner or commence
proceedings to re-try him within 30 days. (Dkt. No. 52 in Case No. C06-830-RSM). Thus, it
appears that petitioner is currently being held as a pretrial detainee awaiting his retrial.

01 May 21, 2008, to file an amended complaint in English. The Court warned plaintiff that if he did
02 not file an amended complaint, the Court would recommend that this matter be dismissed under
03 28 U.S.C. § 1915(e)(2)(B)(ii) for failure to state a claim upon which relief can be granted.

04 As of the date of this Report and Recommendation, plaintiff has neither filed an amended
05 complaint nor sought an extension of time in which to do so. The only communication from
06 plaintiff has been a letter received by the Court on April 22, 2008, in which plaintiff appears to
07 object to the refusal of the Jail to provide a certified copy of his trust account statement. (Dkt.
08 No. 14). However, the letter is postmarked April 21, 2008, and therefore was sent by plaintiff
09 *before* he received the Court's Order of the same date. Consequently, the letter cannot be
10 construed as a response of any kind to the Order granting plaintiff leave to amend.

11 Accordingly, because plaintiff has not filed an amended complaint, the Court recommends
12 that the complaint and this action be dismissed without prejudice. A proposed Order is attached.

13 DATED this 28th day of May, 2008.

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15 Mary Alice Theiler
16 United States Magistrate Judge
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